

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ONTARIO D. FONDREN,

Plaintiff,

v.

JAY VAN LANEN and SUSAN PETERS,

Defendants.

Case No. 18-CV-1174-JPS

ORDER

On March 13, 2019, plaintiff Ontario D. Fondren (“Fondren”) filed a motion for judgment in his favor as a discovery sanction for the defendants’ alleged failure to comply with Federal Rules of Civil Procedure 33 and 34. (Docket #40). Fondren claims that the defendants, Jay Van Lanen and Susan Peters, did not respond to his discovery request within 30 days as required by the federal rules. *Id.* Each defendant filed an opposition. (Docket #41 and #43). Fondren did not file a reply.

Fondren’s motion will be denied. First, his motion does not comply with Civil Local Rule 37, in that he failed to provide a certification that he conferred with the opposing parties in good faith prior to filing his motion. Indeed, the defendants affirmatively state that Fondren never reached out to them to resolve his concerns. *Id.* The local rule envisions a sincere and productive discussion between the parties intended to resolve discovery disputes without intervention of the Court. A discovery motion filed by any party must include the date and time of such discussions, as well as the names of all parties participating in those discussions. *See* Civ. L. R. 37. Because Fondren did not comply with this rule, his motion will be denied.


Additionally, it appears from the parties' submissions that the defendants have provided responses to Fondren's discovery requests. Although Fondren may have received some of these responses more than 30 days after he mailed the requests, he has not shown that the short delay has prejudiced him. The defendants' responses to Fondren's motion stand unopposed by a reply from Fondren, so there is no way for the Court to know whether the defendants' productions are sufficient to satisfy Fondren's requests. In light of this, and for the independent reasons set forth above, Fondren's motion will be denied. The Court encourages the parties to continue their cooperative efforts to overcome discovery disputes before prematurely enlisting the Court's help.

Accordingly,

IT IS ORDERED that the plaintiff's motion for discovery sanctions (Docket #40) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 17th day of April, 2019.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge